

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**AMENDED SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their **Amended** Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Michael Newson

19450 Lorain Road

Fairview Park, Ohio 44126

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Iris Newson

19450 Lorain Road

Fairview Park, Ohio 44126

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

None

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Ohio

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Ohio

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Ohio

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Northern District of Ohio Eastern Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☒ ~~G2[®] Express Vena Cava Filter~~

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☒ **Meridian[®] Vena Cava Filter**

☐ Denali® Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

~~January 19, 2012~~ **January 18, 2012**

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence – Design

☒ Count V: Negligence – Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable Ohio Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

X Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this ____ 13th ____ day of June, 2017.

Respectfully submitted,

/s/ John P. Colan

Thomas D. Robenalt (Ohio Reg. 0055960)
John P. Colan (Ohio Reg. 0081778)
THE ROBENALT LAW FIRM, INC.
23550 Center Ridge Road, Suite 103
Westlake, Ohio 44145
Phone: 216-223-7535
Email: jcolan@robenaltlaw.com
trobena1t@robenaltlaw.com

CERTIFICATE OF SERVICE

The undersigned certifies that the above document was served electronically, via the Court's electronic notification system to Counsel of Record on this 13th day of June 2017.

Respectfully submitted,

/s/ John P. Colan

THOMAS D. ROBENALT (#0055960)
JOHN P. COLAN (#0081778)
THE ROBENALT LAW FIRM, INC.